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INFORMATION

IN THE MATTER OF THE

PRICE CHARITY,

FILED IN THE

*Mass.* SUPREME JUDICIAL COURT

BY THE

ATTORNEY GENERAL, AT THE RELATION OF  
THE CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE  
OF MASSACHUSETTS, AND OF CERTAIN POOR OF CHRIST CHURCH,

AGAINST

THE RECTOR AND CHURCHWARDENS OF TRINITY CHURCH; THE VESTRYMEN  
AND CORPORATION OF THAT CHURCH; CERTAIN PERSONS CLAIMING TO  
BE THE RECTOR, WARDENS, VESTRYMEN, AND PROPRIETORS  
OF PEWS IN KING'S CHAPEL; AND THE RECTOR  
AND WARDENS OF CHRIST CHURCH.

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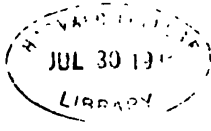
TOGETHER WITH THE WILL AND CODICIL OF WILLIAM PRICE.

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BOSTON:

PRINTED BY JOHN WILSON AND SON,

1862.



12.176.2

## COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

APRIL TERM, 1862.

THE ATTORNEY GENERAL, at the relation of the CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF MASSACHUSETTS; and of FRANK CROSTON and CHRISTIAN PETERSON, for themselves, and in behalf of the other poor of Christ Church;

*versus*

THE RECTOR AND CHURCHWARDENS OF TRINITY CHURCH; ROBERT CHARLES WINTHROP, BENJAMIN PARKER RICHARDSON, CHARLES HENSHAW, BENJAMIN CUTLER CLARK, JOSEPH MILNER WIGHTMAN, JOHN CLARK, JAMES LEE the younger, CHARLES HENRY PARKER, EDWARD BLAKE, THOMAS COFFIN AMORY the younger, and JOHN BROOKS FENNO, Esquires, Vestrymen of said Church; the Corporation of TRINITY CHURCH; the Reverend HENRY WILDER FOOTE, WILLIAM THOMAS and GARDNER BREWER, Esquires, claiming to be the Minister and Wardens of King's Chapel; CHARLES PELHAM CURTIS, GEORGE BARRELL EMERSON, JOSHUA THOMAS STEVENSON, JOSEPH WHITNEY, GEORGE BATY BLAKE, THOMAS PHILLIPS RICH, NATHANIEL HOOPER, JOHN DOUGLAS BATES, SAMUEL GRAY WARD, and WILLIAM AMORY the younger, Esquires, claiming to be Vestrymen of King's Chapel; the Religious Society claiming to be the PROPRIETORS OF PEWS IN KING'S CHAPEL; and the RECTOR AND WARDENS OF CHRIST CHURCH.

*To the Honorable the Justices of the Supreme Judicial Court, sitting at Boston, within and for the County of Suffolk, in Equity,*

INFORMING, sheweth unto your Honors Dwight Foster, Esquire, Attorney General of the Commonwealth, at and by the relation of the Convention of the Protestant Episcopal Church in the Diocese of Massachusetts, holden at Boston, in said county of Suffolk, on the eighth, ninth, and tenth days of May, in the year of our Lord one thousand eight hundred and sixty-one; and of Frank Croston

and Christian Peterson, of said Boston, poor parishioners of Christ Church, for themselves, and in behalf of the other poor of said church; That William Price, merchant, was from his youth up, and until his death at a good old age in the year of our Lord one thousand seven hundred and seventy-one, a resident of the town of Boston, in the Province of Massachusetts Bay, and a firm believer in the truths of Christianity as held and declared by the United Church of England and Ireland, and a zealous supporter of the discipline, forms of government, and modes of worship, of that Church; that until many years after the birth of said Price there was but one church of the aforesaid Church of England in said Boston, founded in or about the year of our Lord one thousand six hundred and eighty-six by special license of his Majesty the King of Great Britain, and supported in part by an annual grant from the Crown of Great Britain, and known as the King's Chapel; that in or about the year of our Lord one thousand seven hundred and twenty-two another church of the Church of England, known as Christ Church, was erected and duly dedicated in said Boston; that said Price was deeply interested in the erection of said church, and contributed towards the expense thereof, and from the year of our Lord one thousand seven hundred and twenty-six to the year of our Lord one thousand seven hundred and forty-three was a warden or a member of the vestry of said church; that in or about the year of our Lord one thousand seven hundred and thirty-two a third church of the Church of England, known as Trinity Church, was erected and duly dedicated in said Boston; that said Price was one of a committee appointed to superintend the building of the same, and contributed largely towards the expense of its erection, and from the year of our Lord one thousand seven hundred and forty-five to the year of our Lord one thousand seven hundred and fifty-three was a warden or a member of the vestry of said Trinity Church; that in or about the year of our Lord one thousand seven hundred and fifty-three the said King's Chapel was rebuilt, and towards the expense of rebuilding the same the said Price contributed, and was a constant attendant and worshipper at said chapel from that year until the time of his death; that said Price owned pews in each of said three churches, and was strongly attached to the communion of the Church of England; that from the year of our Lord one thousand seven hundred and forty until his death he was a trustee of the Boston Episcopal Charitable Society, an association formed for the purpose of assisting and relieving poor and needy members of the Church of England in said Boston; that said Price had no descendants, and no near relatives, except certain

nieces ; and that he was desirous of providing for all the poor of the Church of England in Boston, and for the vindication and promulgation of its doctrines and discipline in a community where they were not generally understood or well received.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that said Price, at the time of the making of his will, as hereinafter set forth, and of his death, besides a considerable amount of personal property, was seised and possessed of a certain messuage, with a mansion-house and buildings thereon standing, situated in said Boston, on that part of Washington Street then called Cornhill, and bounded eastwardly on said Washington Street, there measuring twenty-one feet ; southwardly partly on land now or formerly belonging to Jane Hunt, partly on land now or formerly belonging to one Foster, partly on land now or formerly belonging to Ann Baxter, partly on land now or formerly belonging to Matthias Hyler, partly on land now or formerly belonging to Stephen Francis, partly on land now or formerly belonging to Enoch Huse, and partly on land now or formerly belonging to William Carleton ; westwardly on Court Square, so called ; and northwardly partly on land now or formerly belonging to David Sears, and partly on Cornhill Square so called ; or however otherwise the same may be bounded.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that at those times the said mansion-house and estate were not of great value, and would not probably, in the hands of trustees, yield a greater annual income than would leave a surplus of about twenty pounds sterling, after keeping the estate well in repair and otherwise in good condition, and providing a fund for permanent repairs and rebuilding when necessary.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that said Price, intending to make a comfortable provision for his family, consisting of his wife and his nieces Sarah Creese and Margaret Creese, out of his personal property, and to permit and enable them and the survivor of them to continue to live for the residue of their lives in his mansion-house as they had been accustomed to do for many years preceding his death, if they should choose to avail themselves of the privilege ; and, after the decease of them and the survivor of them, to set apart the said real estate as a fund to sustain a pious and benevolent trust and charity for the public objects aforesaid ; did on the thirtieth day of November in the year of our Lord one thousand seven hundred and seventy make and publish his last will and testament, a copy of which with the codicil thereto is to this information annexed.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that in said will said Price declared that he did humbly commit his soul to God, and did most humbly beseech Him to receive it, not relying on any merits of his own, but only through the Atonement and Satisfaction made for lost mankind by His Ever Blessed Son, Jesus Christ, and through His Merits and Mediation alone did humbly ask pardon of all his sins, hoping for a joyful resurrection at the next personal appearing of our Lord and Saviour Jesus Christ, the Only Son of God: and the said testator did order that his body should be interred in the tomb built and owned by him under Trinity Church in said Boston; and that at his funeral the burial service of the Church of England should be performed, and that one of two clergymen of said Church, mentioned in his will, should preach a sermon in said Trinity Church.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator, in and by his said will, after ordering all his debts and legacies and funeral expenses to be paid out of his personal estate; and, after making certain bequests to his nieces, did give and bequeath all the residue of his personal property to his wife, Sarah Price, requesting her to give whatever thereof should remain at her decease to his said nieces Sarah and Margaret, or the survivor of them; and did direct his pew in the said King's Chapel to be given up to the wardens of said church, they paying to the executrix of his said will sixteen pounds for the same; and did give his pew in said Trinity Church to his said wife during her life, and, after her decease, to his said nieces, as in said will set forth.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator, in and by his said will, did give and devise unto his said wife, during her life, the said mansion-house, with the lands and appurtenances thereunto belonging, upon the condition, that she should allow his nieces, Sarah Creese and Margaret Creese, to live with her in said house, and should support them free from any charge or expense; and, after her decease, did give unto his said nieces Sarah and Margaret full right and liberty to live in, occupy, or improve said dwelling-house, land, and premises, for and during their natural lives, and the life of the survivor of them, taking to themselves the issues, incomes, and profits thereof; and, with a view and intention of securing and preserving unimpaired the trust estate created by his said will, did further provide, that his said wife and nieces, and the survivor of them, while they should so hold and occupy the premises, should keep the same

in good repair at their own expense, and did earnestly and solemnly request them so to do.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator in and by his said will, after providing as aforesaid for his wife and nieces, did create and declare the public charity and trust above mentioned, and hereinafter particularly set forth; and did constitute and appoint, as trustees to administer the same, the rector and churchwardens of said King's Chapel, and their successors in said offices forever (or, in a certain event hereinafter mentioned, the rector and churchwardens of said Trinity Church, and their successors in said offices forever); and did appoint the gentlemen of the vestry of King's Chapel (or, in said event, the gentlemen of the vestry of Trinity Church), from time to time forever, to inspect the doings of such trustees, and to call them to account for all or any of the income of said given and devised estate, and to see that they should in all respects punctually employ the said estate for the uses and purposes mentioned in said will, and for no other purpose, and in no other manner; and desired and ordered, that there should be a meeting of such gentlemen of the vestry in said King's Chapel twice a year forever, upon days and at hours named in said will, and oftener if necessary, for that purpose.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator, to effect this his purpose, did give and devise the said mansion-house and estate, after the death of his said wife and nieces, to the said rector and churchwardens of King's Chapel, and their successors, in trust, *first*, to establish a fund to the sole use of said King's Chapel, the interest only of which should be used, which interest should be appropriated by the vote and direction of the wardens and vestry of said church; *second*, to provide for the public preaching of the doctrines of the Church of England, and the exposition of its order and discipline, during the season of Lent, by clergymen of the Church of England; *third*, to relieve the poor of all the churches of that communion in Boston; and, *fourth*, to secure the permanence, and, if so it might be, the increase, of the said charity and trust estate, by keeping the mansion-house in good repair, and, if need be, by rebuilding and building on the land.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that to effect these several objects, and therein and thereby primarily to benefit King's Chapel, where he worshipped, by providing a special fund for its use, by making its offi-

cers the almoners of his charity for the poor, and by making its church the place of such public preaching, he more specifically provided as follows, namely:

*First*, That there should be paid yearly out of the rents and profits of said house and premises, after the death of said wife and nieces, the sum of forty shillings sterling to said King's Chapel forever; which said annual payments of forty shillings sterling should be kept entire as a fund for said church, and be placed out at interest, upon good security, and the interest only appropriated to the use of said church forever, as the wardens and vestry of said church for the time being should from time to time vote and direct, and in no other way or manner.

*Second*, That there should be paid out of the rents and profits of said house and appurtenances, sixteen pounds sterling annually for the support of a course of eight sermons, to be publicly preached annually in the said King's Chapel, in Lent, by the rectors and ministers for the time being of the churches of the Church of England in Boston, to wit, the King's Chapel, Christ Church, and Trinity Church, or by other ministers of the Church of England, as in said will particularly provided; the first annual course beginning on the first Ash Wednesday after the expiration of the first three years that the testator's said nieces should hold said house, and ending on the Good Friday thence next following, and thereafterwards at the same season in each year forever; and declared it to be his will, that this should remain unalterable and perpetual; and did appoint the subjects of said sermons, among which subjects so appointed were the following: "The Duty, Usefulness, and Propriety of Fasting and Abstinence;" "Against Atheism or Infidelity, or in Defence of the Divinity or Miracles of our Blessed Saviour;" "The Catholic Church, or the Excellency of the Christian Religion;" "A Vindication of the Church of England as to Government, Doctrine, or Discipline, or a Discourse against Heresy or Schism;" "Against Error and Superstition, particularly those of the Church of Rome;" "On Baptism or Confession or Absolution;" and "On the Passion and Death of Christ, or of the Nature, Necessity, and Advantages of the Holy Communion;" and did further order and direct, that, towards the support and encouragement of such ministers to undertake the said duty of preaching, there should be paid to each preacher of said sermons, as soon as his sermon should be ended, the sum of forty shillings sterling, amounting to sixteen pounds annually, as aforesaid.

*Third*, That upon each and every of the eight days upon which said sermons should be preached there should be a contribution, after

sermon, for the poor of the churches of the Church of England then in Boston, namely, the King's Chapel, Christ Church, and Trinity Church, collected at the church doors or otherwise; and that at every such contribution there should be paid five shillings sterling, out of the rents and income of said devised house and land, into and towards said contribution, in all forty shillings sterling annually; and that on every Good Friday, after sermon in the afternoon, the said trustees should divide said last mentioned forty shillings and what else should be collected for the poor as aforesaid, one third part to the rector or minister and wardens for the time being of King's Chapel, for the use of the poor of said chapel; one third part to the minister and wardens for the time being of Christ Church, for the use of the poor of said church; and the remaining third part to the minister and wardens for the time being of Trinity Church, for the use of the poor of said church; and that the wardens of each of said churches should then attend to receive the same.

*Fourth,* That the said trustees should from the income thereof keep the said house and premises in good and sufficient repair and condition, and also keep the said tomb of the testator in good and decent repair; and, in order to have and maintain a fund for this public charity and trust by keeping said premises in good and sufficient repair and condition, and to increase it, if it might so be, by enlarging or rebuilding said house or any part of said premises, the said trustees should place the remainder of the said income at interest, upon good security, to be called in as there might be occasion, for repairing, enlarging, or rebuilding said house or any part of said premises, and also for keeping the said tomb in repair.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator did further order and direct, that these several clauses of his will should be entered on the church books of the churches of the Church of England then in Boston, to wit, King's Chapel, Christ Church, and Trinity Church; and, after his decease, be read at every annual meeting of the minister, wardens, and proprietors of King's Chapel, on Easter Monday, before they should proceed to the choice of new wardens; and that said trustees should then produce to the vestry and proprietors who should be there present a fair account of the distribution to the preachers of the sermons and to the poor, agreeably to said will.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator, in and by his said will, particularly directed the manner of calling and holding and voting at meetings of the vestry of said King's Chapel for the doing of all

business relating to his estate given in trust to the use of said King's Chapel, to wit, the said first mentioned special fund derived from the payment of forty shillings annually.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator did further recommend and order, that the said trustees should make the best improvement which they could of said given and devised premises, by letting the same by written lease, always being careful that the lessee should be bound by covenant to pay the rent halfyearly, to pay all taxes on said house, and to keep and leave the said house and appurtenances in good repair.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator in and by his said will further directed, that if the minister and churchwardens of said King's Chapel, thus named as trustees, would accept these his donation and trusts, they should certify their acceptance to the minister and wardens of Trinity Church in the manner following, namely, "We do accept the donations of William Price, agreeable to his last will and testament, and will as far as possible strictly fulfill the said will in every part thereof;" and that the said testator, in and by his said will, did solemnly and earnestly request the said trustees at all times thereafter strictly to comply with and fulfil his said last will and testament in all parts thereof relating to the estate so given in trust, and by no means either to neglect so doing or presume to evade it.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator, in and by his said will, in case the minister, wardens, vestrymen, and proprietors of pews, for the time being, of said King's Chapel, would not accept of his said donation, (which he considered to be for the benefit of said church, and declared to be so intended,) did then give and devise all the said estate to the minister and churchwardens of said Trinity Church, upon the same trusts, and in the same manner, and to the same uses, intents, and purposes, upon, in, and to which he had given it to the minister and churchwardens of said King's Chapel, and substituting Trinity Church in all respects in the place of the King's Chapel.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said testator did appoint his said wife and nieces to be the executrixes of his said will; and afterwards, to wit, on the twentieth day of April in the year of our Lord one thousand seven hundred and seventy-one, did make and publish a codicil to his said will, whereby he did alter certain parts of his will other

than those hereinbefore set forth and relied on, and did give and bequeath to his said nieces whatever of his personal estate should remain at the decease of his said wife, and, at and upon the decease of said nieces, did give and devise the said mansion-house, land, and premises, to and for the several uses, intents, and purposes in his said will particularly mentioned, and did ratify and confirm his said will in all other respects; and that afterwards, to wit, on the seventeenth day of May in the said year of our Lord one thousand seven hundred and seventy-one, said William Price deceased, without having further altered his said will; and on the twenty-fourth day of said May his said will and codicil were duly proved and allowed by the Honorable Foster Hutchinson, Esquire, Judge of the Probate of Wills, and for granting letters of administration on the estates of persons deceased, having goods, chattels, rights, or credits, in the County of Suffolk and Province of Massachusetts Bay.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that during the life of the testator there were no other churches of the Church of England in Boston than King's Chapel, Christ Church, and Trinity Church; and that in and by the said will and codicil the said Price did give and appropriate said devised premises, and did establish a public, pious, and charitable use and trust, to promote the Glory of God, the public preaching of the Gospel, the vindication and promulgation of the doctrines, government, and discipline of the Church of England, and the relief of the poor of the churches of the Church of England in Boston, as aforesaid.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the Church of England is, and ever has been, an Episcopal Church, and claims to have a ministry descended in direct and uninterrupted succession from the holy apostles of our Lord and Saviour Jesus Christ, with exclusive authority to transmit their power and mission to others, to be by them selected and ordained, and existing in three distinct orders of bishops, priests or presbyters, and deacons; and that, the Province of Massachusetts Bay being then a Province of Great Britain, the churches of the Church of England in Boston and the other portions of said Province were in the diocese and under the episcopal government of the Right Reverend the Bishop of London in the Kingdom of England; that the said testator was in communion with and warmly attached to the Church of England, and a firm believer in the doctrines and discipline thereof, and especially in the Trinity of Persons in the Deity, the true and perfect Divinity of the Person of our Lord and Saviour Jesus Christ, His Miraculous Incarnation, and Expiatory Sacrifice

and Atonement, and the Divine institution and perpetual maintenance of one Catholic and Apostolic Church ; which doctrines are, and ever have been, held by said Church of England to be essential truths of Christianity.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the Province of Massachusetts Bay, and those other Provinces of Great Britain now forming part of the United States of America, having afterwards become independent of the Crown of Great Britain, the churches of the Church of England in said Province and Provinces were no longer within the diocese or under the episcopal jurisdiction of the Right Reverend the Bishop of London ; and that the clergymen and lay members of said churches elected certain presbyters of said church to be bishops ; who were duly consecrated at said London, according to the canons and ritual of the Church of England, on the fourth day of February in the year of our Lord one thousand seven hundred and eighty-seven, by the Most Reverend the Archbishop of Canterbury, Primate of all England, and certain other bishops of the Church of England, acting by authority of an Act of the Parliament of Great Britain ; and an organization was formed, known as the Protestant Episcopal Church of the United States of America, which embraced all said churches, and which made no further or greater alteration in the government and ritual thereof than the separation of the said Provinces from the Crown of Great Britain rendered necessary ; and the Protestant Episcopal Church of the United States of America thereby became and is the successor to the Church of England which existed in said Province of Massachusetts Bay at the time of the making of said will and of the death of said testator, and has the same succession and orders in its ministry, the same government, except so far as the Independence of said Provinces rendered it necessary that alteration should be made therein ; and holds to and professes the same faith and doctrines, and especially holds the Trinity of Persons in the Deity, the true and perfect Divinity of the Person of our Lord and Saviour Jesus Christ, His Miraculous Incarnation, Expiatory Sacrifice and Atonement, and the Divine institution and maintenance of one Catholic and Apostolic Church, to be essential truths of Christianity ; and ever has been and is recognized by the Church of England, and by Acts of the Parliament of Great Britain, as a branch of and the successor to the Church of England in this Province and Commonwealth and in the United States.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that, previously to the year of our Lord

one thousand seven hundred and seventy-six, Conventions of the clergy of the Church of England in said Province of Massachusetts Bay were held at stated times, at which the ministers of said King's Chapel were present, and said church was represented; but that since the year aforesaid no minister, delegate, or representative of said King's Chapel has ever been present at any Convention, Convocation, Synod, or Assembly, either of the Church of England or of the Protestant Episcopal Church of the United States, in the Commonwealth of Massachusetts or elsewhere.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that in or about the year of our Lord one thousand seven hundred and eighty-seven certain proprietors of pews in said King's Chapel, and other persons occupying the same, separated from and ceased to be connected with the Church of England or the Protestant Episcopal Church of the United States; and, without the consent of any bishop of the Church of England or of said Protestant Episcopal Church, elected, and pretended to institute, as their rector, and the rector of said King's Chapel, one James Freeman, who had applied for and had been refused ordination by the Right Reverend Samuel Provoost, then Bishop of the Diocese of New York and having episcopal jurisdiction of the Protestant Episcopal churches in Massachusetts, upon the ground that the religious tenets of said Freeman unfitted him for admission to the ministry of said church; that said King's Chapel has ever since continued to be used as and for a Congregational or Independent meeting-house; and that the persons claiming to be the proprietors of said church have, from time to time, elected and instituted as their ministers certain other persons, holding to and professing doctrines regarded and pronounced by the Church of England and the Protestant Episcopal Church of the United States to be unsound and heretical, and who were not episcopally ordained, and all this without the sanction of the Right Reverend the Bishop of the Diocese of Massachusetts, or of any other bishop whatsoever; that in or before the said year of our Lord one thousand seven hundred and eighty-seven the persons so occupying and claiming to be proprietors of said King's Chapel departed from the faith and doctrines of the Church of England and the Protestant Episcopal Church of the United States, and became what is commonly called a Unitarian society; and have ever since continued to use said chapel as a Unitarian meeting-house, denying the doctrines of the Trinity of Persons in the Deity, the true and perfect Divinity of the Person of our Lord and Saviour Jesus Christ, His Miraculous Incarnation, Expiatory Sacrifice and Atonement, and the Divine institution and perpetual

maintenance of one Catholic and Apostolic Church. All of which changes, your orator charges, are contrary to the government, doctrines, and discipline of the Church of England and of the Protestant Episcopal Church of the United States, and to the religious belief and faith of the said William Price.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that to all said changes in the government, doctrines, and discipline of said King's Chapel, many proprietors of pews in said chapel were opposed, and voted and protested against the same; that afterwards, in the said year of our Lord one thousand seven hundred and eighty-seven, certain presbyters of the Protestant Episcopal Church of the United States in the diocese of Massachusetts, namely, the Reverend Edward Bass, then rector of Saint Paul's Church in Newburyport, and afterwards the first Bishop of the said diocese; the Reverend Samuel Parker, then rector of said Trinity Church, and afterwards the second Bishop of said diocese; the Reverend William Montague, then rector of said Christ Church; and the Reverend John Cosens Ogden, then minister of Queen's Chapel at Portsmouth in the State of New Hampshire, then a part of said diocese; in a letter signed by them, and transmitted to said Freeman and to all the Protestant Episcopal churches in said diocese, did protest against the said changes in government, doctrine, and discipline, and did declare the proceedings of the persons then and so occupying said King's Chapel to be irregular, unconstitutional, diametrically opposite to every principle adopted in any Episcopal church, subversive of all order and regularity, and pregnant with consequences fatal to the interests of religion.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the religious society now occupying, and claiming to be the proprietors of, said King's Chapel, are not the same or the successors of the church referred to in the said will by that name, and never assumed that name until on or about the sixteenth day of September in the year of our Lord one thousand eight hundred and nine, and are not, and do not claim to be, a Protestant Episcopal church; and that they are not entitled to any part of or participation in the income or funds arising out of the public charity and trust established by said testator.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the minister, wardens, vestrymen, and proprietors of pews, of said King's Chapel, never accepted the said donation of William Price, and that the minister and churchwardens of King's Chapel never certified such their acceptance to the minister

and wardens of Trinity Church, as and in the manner prescribed in said will.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said Sarah Price, the wife, and the said Sarah Creese and Margaret Creese, the nieces, of the said William Price, continued to occupy the said mansion-house, with the lands and appurtenances belonging thereto, during their several lives, according to the provisions of said Price's will; that said Sarah Price died on the twenty-fifth day of March in the year of our Lord one thousand seven hundred and eighty-three; that said Margaret Creese died on the tenth day of February in the year of our Lord one thousand seven hundred and ninety-nine; and said Sarah Creese died on the twenty-first day of April in the year of our Lord one thousand eight hundred and nine; and that, after the death of said Sarah Creese, to wit, on the sixth day of April in the year of our Lord one thousand eight hundred and thirteen, said James Freeman, claiming to be the rector, and Ebenezer Oliver and Joseph May, claiming to be the wardens, of said King's Chapel, entered into possession of said given and devised premises, by virtue of a writ of possession issued out of this Honorable Court against one William Pelham.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said Freeman, Oliver, and May, having thus obtained possession of the said given and devised premises, and of the rents and income thereof, did not support the sermons in the said will directed to be established in the manner therein set forth, and applied only a small portion of such rents and income to the use of the poor of the churches of the Church of England or of the Protestant Episcopal Church in said Boston; and regardless of the will of said testator, and of the charity, trusts, and uses therein declared, appropriated the greater part of the income of said estate to the support of said Freeman, and to the promotion and maintenance of Unitarian and Congregational doctrines and form of worship.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that on the seventeenth day of September in the year of our Lord one thousand eight hundred and twenty-four the rector and churchwardens of Trinity Church in said Boston, being the rightful successors of the minister and wardens of Trinity Church mentioned in said will, and connected and in full communion with the Protestant Episcopal Church of the United States, peaceably entered in and upon the said given and devised premises, and took and held peaceable possession thereof, claiming to hold the same by virtue of said gift, donation, and devise; and were thereafterwards on

the same day ousted and disseised of the same by Jonathan Stodder and Benjamin Cobbett Frobisher, claiming to hold said premises as tenants at will under said Freeman, Oliver, and May; and on the eighteenth day of said September sued out of the clerk's office of the Court of Common Pleas of said County of Suffolk a certain writ of entry on disseisin against said Stodder and Frobisher, which writ was afterwards duly entered in said court, and thence removed to this Honorable Court; that afterwards it was agreed by and between the parties to the said suit, and by the persons then claiming to be the vestry and the proprietors of pews of said King's Chapel, that the said Freeman, Oliver, and May, as claiming to be the rector and wardens of said King's Chapel and the lessors of the demanded premises, should be received as joint tenants with said Stodder and Frobisher to answer to the said rector and churchwardens of Trinity Church; and they were made parties accordingly; and the said Stodder, Frobisher, Freeman, Oliver, and May pleaded to said writ, that the said Stodder and Frobisher did not disseise the said demandants; and the said demandants joined the issue thus tendered; that, afterwards, to wit, at November Term of this Honorable Court in the County of Suffolk in the year of our Lord one thousand eight hundred and twenty-eight, Francis Johonnot Oliver and William Minot, claiming to have been elected wardens of said King's Chapel in place of Ebenezer Oliver deceased and Joseph May resigned pending said suit, were admitted as parties to said suit in the place and stead of said Oliver and May; and that at the same term of this Honorable Court a verdict was rendered in writing by a jury in said suit, signed by their foreman, and duly recorded in form, as follows: "The jury find that the minister, wardens, vestrymen, and proprietors of pews, for the time being, of King's Chapel, would not accept, and the minister and churchwardens of the same have not accepted, the donation of William Price in and by his last will and testament and the codicil thereto, in manner and form as are therein prescribed; and further find that the said Stodder and Frobisher did disseise the demandants in manner and form as the demandants have thereof alleged:" and that thereupon judgment was rendered for the demandants according to said verdict; and by said verdict and judgment all right, title, or interest, legal or equitable, of the said Freeman, Oliver, and Minot, and of any other persons claiming or pretending, as their successors, to be rector and wardens of said King's Chapel, and of the persons then and so claiming to be vestry and proprietors of pews therein, and of all persons and corporations claiming under them or any of them, or in their right, was finally and forever barred; and that the rector and

churchwardens of Trinity Church entered into possession of said given and devised premises, and have ever since continued to occupy and hold the same as the lawful devisees and trustees under said will and codicil.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said given and devised premises have greatly increased in value since the death of said William Price, and that the rents and income arising therefrom are many times greater than they were when said will was executed; that the said trustees last mentioned have not administered the said public charity and trust according to the directions, purposes, and intents of said testator, as in said will and codicil declared and prescribed; but have perverted the trust reposed in them, and appropriated the greater part of the rents and income of said devised estate to purposes other than and different from those prescribed and declared in said will and codicil, namely, to pay the expenses of said Trinity Church, and to the maintenance and support of the Congregational and Unitarian Society calling themselves the Proprietors of King's Chapel.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said trustees have not kept the buildings upon the said given and devised premises in good and proper repair, and have not rebuilt the same at such times as said buildings ought to have been rebuilt, and have not improved said estate as directed by said testator, but, although receiving a large income therefrom, have spent only small sums in repairing said premises, not exceeding in any one year the sum of one hundred dollars; that, although there has long been a large surplus income from said estate, beyond what has been necessary to meet the specific payments and the repairs and rebuilding primarily provided for in the said will, yet the said trustees have not put said surplus out at interest, thereby creating a fund for said charity, as they were required to do by said will, but have expended the same for purposes not contemplated by said will; and there is now no fund in existence as required and contemplated by said will: all of which proceedings are against right and equity, and to the great injury and damage of all the good citizens of the Commonwealth and your orator and these relators, and contrary to the public charity and trust declared and created by the will and codicil of said William Price.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the said trustees never have produced to the gentlemen of the vestry, or to the proprietors, of said church, any account of the distribution of the money for sermons and

for the poor, as directed by said will; and that said gentlemen of the vestry never have inspected the doings of the said trustees in relation to said trust fund and charity, and never have called them to account for all or any of the income of said estate, and never have seen or taken any care that the same should be employed for the uses and purposes in said will mentioned and in no other manner, and never have held any meetings for that purpose, as directed by said will, either at the times and hours therein designated, or at any other times and hours whatsoever.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that, at the seventieth Annual Convention of the Protestant Episcopal Church in the Diocese of Massachusetts, including all the Protestant Episcopal churches and parishes in Boston; said church and diocese being in confederation with, and a constituent part of, the Protestant Episcopal Church of the United States of America; which convention was holden at Boston, on the second and third days of May in the year of our Lord one thousand eight hundred and sixty, the following vote and resolution were passed: "*Resolved*, That a committee be appointed to confer with the trustees under the will of the late William Price, to consider what legal and moral responsibility and duty are resting upon them to carry out and fulfil the pious design of the testator, and report in print the same at the next annual meeting of this convention;" and that thereupon a committee, consisting of two clergymen and three laymen of said diocese, namely, of the Reverends Theodore Edson and George Maxwell Randall, and of Robert Charles Winthrop, George Morgan Browne, and Richard Henry Dana the younger, Esquires, was appointed to confer with said trustees, in accordance with said vote; and that afterwards, to wit, on the twenty-third day of March in the year of our Lord one thousand eight hundred and sixty-one, said committee applied to the said rector and churchwardens of Trinity Church for a conference concerning the public charity and trust declared and created by said will.

And the said Attorney General and the said convention, as well as these relators, well hoped that said trustees would confer with said committee in a frank and friendly spirit, and would not object to any inquiry by the Convention of the Protestant Episcopal Church in this diocese into the principles of the management of said charity, or refuse to explain to said convention, and their said committee, on what principles the income and rents of said estate had been appropriated to the support of said Trinity Church and of the Unitarian and Congregational Society claiming to be the Proprietors of said

King's Chapel: all of which the said trustees in conscience and equity ought to have done.

But now so it was, may it please your Honors, that the said trustees absolutely refused to comply with the reasonable request of said convention, or to hold any conference with said committee, or to give to said committee or to said convention any information of or concerning the income derived from said public charity and trust, or their appropriation or disposition thereof.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that, at the seventy-first Annual Convention of said diocese, holden at Boston, on the eighth, ninth, and tenth days of May in the year of our Lord one thousand eight hundred and sixty-one, the said committee made a report in accordance with the resolution by which they had been appointed; and it was thereupon voted and resolved, that said Richard Henry Dana and George Morgan Browne be appointed to confer with your orator for the instituting of proper proceedings to ascertain and enforce the public charities established by the said William Price.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the Right Reverend Manton Eastburn, Doctor of Divinity, the present Bishop of the Diocese of Massachusetts, being the rector of said Trinity Church, and, as such, one of the corporation of the Rector and Churchwardens of Trinity Church, named as defendants in this suit, cannot be a relator to this information, as would otherwise be proper, and as your orator could wish.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that on the seventeenth day of March in the year of our Lord one thousand eight hundred and sixty-two the said Richard Henry Dana and George Morgan Browne requested the Rector and Wardens of Christ Church, being the rightful successors of the Minister and Wardens of Christ Church mentioned in the will of said William Price, and in communion with and a constituent part of said Protestant Episcopal Church in the Diocese of Massachusetts, to become relators to this information; but the said rector and wardens have declined so to do.

And the said Attorney General, at and by the relation aforesaid, further informs your Honors, that the congregation worshipping in said Christ Church includes many more poor families and persons requiring assistance and relief from others, than either the King's Chapel or Trinity Church; and that Frank Croston and Christian Peterson, relators to this information, are parishioners of said Christ Church, and in part dependent upon that church for their support.

In consideration whereof, and forasmuch as these relators and your orator and informant are remediless in the premises according to the strict rules of the common law, and can only have relief in a Court of Equity, where matters of this sort are properly cognizable and relievable —

To the end therefore that the Rector and Churchwardens of Trinity Church, a corporation duly established by the laws of the Commonwealth; Robert Charles Winthrop, Benjamin Parker Richardson, Charles Henshaw, Benjamin Cutler Clark, Joseph Milner Wightman, John Clark, James Lee the younger, Charles Henry Parker, Edward Blake, Thomas Coffin Amory the younger, and John Brooks Fenno, Esquires, vestrymen of said Trinity Church; the Corporation of Trinity Church, constituted by law the successors of the Proprietors of Pews in Trinity Church; the Reverend Henry Wilder Foote, and William Thomas and Gardner Brewer, Esquires, claiming to be the rector or minister and wardens of King's Chapel; Charles Pelham Curtis, George Barrell Emerson, Joshua Thomas Stevenson, Joseph Whitney, George Baty Blake, Thomas Phillips Rich, Nathaniel Hooper, John Douglas Bates, Samuel Gray Ward, and William Amory the younger, Esquires, claiming to be the vestrymen of said King's Chapel; the religious society, known as and claiming to be a corporation under the name of the Proprietors of Pews in King's Chapel; and the Rector and Wardens of Christ Church, a corporation duly established by the laws of the Commonwealth; may true answer make to the matters herein charged, and may, upon their several oaths, and upon the several and respective oaths of their proper officers, to the best and utmost of their respective knowledge, remembrance, information, and belief, full, true, direct, and perfect answers make to all and singular the matters aforesaid, and that as fully and particularly as if the same were here repeated, and they and every of them were distinctly interrogated thereto:

And that the public charity and trust declared and created by the said William Price, as hereinbefore set forth, may be established and carried into execution; and that all proper orders, decrees, and directions may be given for that purpose; and that an account for the use, rent, and enjoyment of said premises received by the rector and churchwardens of Trinity Church, trustees as aforesaid, since the said twenty-third day of March in the year of our Lord one thousand eight hundred and sixty-one, may be taken, and what shall be found due upon the taking of the said account may be applied and disposed of in such manner as your Honors may direct:

And that it may be decreed that the said trustees shall keep the

said given and devised estate and the buildings thereon in good and sufficient repair and condition, and shall rebuild said buildings and enlarge the same, when necessary and proper, and so manage and improve the land as to make the fund as large and safe as may be :

And that it may be decreed that said trustees shall not pay any part of the income of the said estate or fund to the Congregational and Unitarian Society occupying King's Chapel, or to the persons now claiming to be the minister and wardens of said King's Chapel, or to their successors in those offices, or to the poor of said society now occupying said chapel :

And that said trustees may be ordered and decreed, after paying the two pounds sterling annually to said Trinity Church as a fund to its use, and the sixteen pounds sterling to the clergymen delivering the lectures as provided in the said will, and the two pounds sterling into the contributions for the poor, and making proper repairs upon said premises, and keeping the tomb of the testator in good and decent repair, to invest all the income that shall remain, to constitute a permanent fund :

And that your Honors may order, decree, and direct, that if said given and devised estate shall in any year not yield sufficient income to pay the said sums of twenty pounds sterling primarily provided for in said will, then the income of said permanent fund, or so much thereof as shall be necessary, shall be appropriated and applied to make good the deficiency :

And that, whenever and so often as the income of said given and devised estate shall not be sufficient to keep it in proper repair, or to build, enlarge, and rebuild thereon when necessary, then so much of said fund shall be called in, as occasion may require, for those purposes :

And that the income of said permanent fund shall be appropriated and expended on the objects of the charitable purpose of the said William Price, declared by his will, either in the proportions expressed in his will, or in such proportions and on such a scheme as your Honors shall adopt to carry out his pious and charitable intentions, or, at the discretion of the trustees, for the objects of the said testator :

And that, if, on the scheme adopted by your Honors, there shall be a larger sum appropriated to the support of the poor than shall be sufficient for the poor of said Christ Church and Trinity Church, then said sum may be divided among all the churches of the Protestant Episcopal Church in said Boston, in such manner, amounts, and proportions as your Honors shall determine :

And that, if there shall be a larger sum appropriated to the support of the said eight lectures than shall be sufficient to best effect the objects of the testator as aforesaid in establishing them, then it may be decreed that the trustees shall print and publish said lectures so as to enlarge and increase the benefits to be derived therefrom, or that such lectures be increased in number, as your Honors may decide will best carry out the design of said testator :

And that such further and other relief may be decreed in the premises, as under the circumstances hereinbefore particularly mentioned to your Honors shall seem meet, or as the nature of the case may require :

May it please your Honors to grant unto your orator the most gracious writ of subpoena of the Commonwealth of Massachusetts, to be directed to the said rector and churchwardens of Trinity Church ; the said Winthrop, Richardson, Henshaw, Benjamin Cutler Clark, Wightman, John Clark, Lee, Parker, Edward Blake, Thomas Coffin Amory, and Fenno, vestrymen of said Trinity Church ; the corporation of Trinity Church ; the said Foote, Thomas, and Brewer, claiming to be the rector or minister and wardens of said King's Chapel ; the said Curtis, Emerson, Stevenson, Whitney, George Baty Blake, Rich, Hooper, Bates, Ward, and William Amory, claiming to be vestrymen of said King's Chapel ; the said religious society claiming to be Proprietors of Pews in said King's Chapel ; and the said rector and wardens of Christ Church ; thereby commanding them, at a certain day, and under a certain pain therein to be specified, to appear before your Honors in this Honorable Court, and then and there to answer all and singular the premises, and to stand to, perform, and abide such orders and decree in the premises as to your Honors shall seem meet. And your orator shall ever pray.

DWIGHT FOSTER,  
*Attorney General.*

HORACE GRAY, JR.,  
*Solicitor and of Counsel.*

## IN THE NAME OF GOD AMEN.

I WILLIAM PRICE of Boston in the County of Suffolk & province of Massachusetts Bay in New England Merchant, through the Goodness of Almighty God, being of a sound and disposing mind and memory, and being mindful of the incertainty of human life and of my advanced age, do make and ordain this writing to be my last Will and Testament, in manner following, that is to say. —

IMPRIMIS, I most humbly commit my immortal Soul into the hands of my great Creator, which I most earnestly beseech him to receive, not relying on any merits of my own, for I sincerely and with humble sorrow confess my many and great Transgressions against his divine Laws, but only thro' the Atonement and satisfaction made for lost mankind by his ever blessed son Jesus Christ, and through whose Merits and Mediation alone, I ask humbly for the pardon of all my Sins, hoping for a joyful Resurrection at the next personal appearance of my Lord and Savior Jesus Christ the only Son of God. As to my body I order it to be decently interred by my Executrix herein after named within my Tomb under Trinity Church which I built for the interment of myself, my dear wife and two nieces Sarah and Margaret Creese, and my will is that no other bodys at any time be buried in said Tomb, and I order that my Executrix herein after named cause my body to be carried into Trinity Church and the burial service according to the Church of England to be performed, and desire the favor of the Rev<sup>d</sup> Doctor Henry Caner if living, and able, and in case he is not living or able then the Rev<sup>d</sup> Mr Walter to preach a sermon in said Trinity Church at my funeral from this Text viz<sup>t</sup> Deuteronomy 32 Chap. verses 39 & 40. — for which good service of preaching said Sermon I give to him that shall perform the same Two pounds sterling to be paid by my said Executrix wholly out of my personal Estate within three days at least after the same is preached. This Sermon I propose particularly for the good and Instruction of all such of my friends & acquaintance as shall attend my funeral and with a general view and desire that all present may thereby receive a benefit by being solemnly reminded how absolutely certain and unavoidable Death is, and not with a view of any thing being said of me, which I desire may be avoided, for I am a Sinful man O Lord. —

I order all my just debts and funeral charges to be paid by my Executrix out of my personal estate only, as soon as may be after my decease.

ITEM, I Give and bequeath unto my dear and loving wife Sarah Price during her life my mansion house in which I now dwell, together with the land and Appurces thereunto belonging, she keeping the same in good repair and paying the taxes that shall be assessed on said house, I also give unto my said wife all and every part of my personal estate in whatsoever it may consist, This Bequest is upon this condition that she allows my nieces Sarah Creese and Margaret Creese to live with her in my said house & support them free from any Charge or expence to them or either of them for their maintenance in the same manner as they have heretofore lived with me, untill such time as they shall remain unmarried, my said wife also paying out of my personal Estate such Legacies and complying with such directions as are herein after mentioned, and whatever of my personal estate I hereby give to my said wife that shall remain in her hands at the time of her decease I desire my said wife would give the same to my said nieces Sarah and Margaret Creese, to be equally divided between them, and in case either of them should dye before my said wife, I desire she would give the whole to the survivor of them. —

ITEM, I Give unto my niece Ann Pelham wife of M<sup>r</sup> Peter Pelham the sum of Fifty pounds sterling if she should be living at my decease, to be paid her out of my personal estate within one year after the decease of my said wife, I also discharge her from any demand I have upon her upon account of her board, Cloaths or anything else I may have supplied her with and direct my Executrix to give her a full release of the same when it shall be demanded. —

ITEM, I Give unto my niece and God daughter Sarah Creese the sum of Forty pounds sterling to be paid her out of my personal Estate after my said wife's decease, over and above what I otherways herein give to her.

ITEM, I Give unto my said nieces Sarah and Margaret Creese all the apparel, Linnen, and every other thing I have supplied them with, and their whole board and maintenance from the time they first came to live with me, untill this time and from hence untill the time of my decease and order that no demand be ever made upon them for the same.

ITEM, I order that my pew in Kings Chappel so called be delivered up to the wardens of said Church they paying to my Executrix Sixteen pounds lawful money for the same. —

ITEM, I Give my pew in Trinity Church so called in Boston N<sup>o</sup> 60. to my said wife during her natural life she paying the contribution of the same, and after her decease I give said pew unto my said nieces

Margaret and Sarah Creese jointly, during their lives, and upon their decease I give the same to the heirs of their bodies lawfully begotten and on failure of such heirs, I give said pew to the wardens of said Church for the time being for the use and benefit of said Church, said wardens to allow such persons not exceeding six in number to sit therein as shall pay the contribution of said pew, and I would have the preference given to Gentlemen that are strangers, and I further order and direct my said nieces and their heirs that they pay the assessment laid on said Pew for so long time as they shall continue to sit in the same, and if they shall fail so doing I order that said pew shall go to said Church as is abovementioned. —

ITEM, I Give and bequeath to my said wife Sarah Price during her life, my mansion house in which I now dwell together with the land and Appurtenances thereunto belonging, and I hereby earnestly and solemnly request my said wife to keep the said house & premises in good repair during her life, and after her decease I give unto my said nieces Sarah and Margaret Creese full liberty and right to live in or improve said house and premisses for the space of three years commencing on the death of my said wife without paying any rent or consideration therefor, saving that during said three years they shall keep the same premisses in very good repair, and pay such Taxes as shall be levied thereon. And at and upon the expiration of said three years I hereby give unto my said nieces Sarah and Margaret Creese full right and liberty to live in occupy or improve said dwelling house land and premisses for and during the term of their natural lives in an equal manner and the life of the survivor of them, taking to themselves the issues incomes and profits thereof, but holding the same upon this express condition that they or the survivor of them keep the said premisses in very good repair at their own expence which I earnestly and solemnly request them to do And also that they or the survivor of them shall on the first day of January next after said three years are expired pay to the Wardens of Kings Chappel so called in Boston the sum of Twenty pounds sterling money and so yearly and every year during such time as they or either of them shall hold the same agreeable to this bequest, taking proper receipts therefor on payment of the same. —

ITEM, After the decease of my said wife Sarah Price and my nieces Sarah and Margaret Creese I give and bequeath to the Rector and Church Wardens of Kings Chappel so called in Boston aforesaid and to their Successors in said office in Trust forever my said brick house with the lands buildings Appurtenances and privileges thereunto belonging as the same is now inclosed and occupied by me, for

the uses intents and purposes following viz: That there shall be paid yearly out of the rents and profits of my said house and land and premisses after the death of my said wife and nieces the sum of forty shillings sterling to the last mentioned Church forever by the Wardens of said Church for the time being which said annual payments of forty shillings sterling shall be kept entire as a fund for said Church and be placed out at Interest upon good security, and the Interest only appropriated to the use of said Church forever as the Wardens and Vestry of said Church for the time being shall from time to time Vote and direct and in no other way or manner. And the Church Wardens of the same Church for the time being out of the rents of said house and appurces shall pay Sixteen pounds sterling annually for the support of a course of Sermons to be preached annually in said Kings Chappel in Lent in manner as is herein after directed and upon the subjects herein after named and that the Church Wardens of the same Church for the time being pay forty shillings sterling annually out of the rents and profits of my said house & Appurces for the use of the poor in manner also as is herein after mentioned. That the Rector and Church Wardens of said Church for the time being shall place the remainder of the money annually arising from the rents and profits of my said house and appurces at Interest upon good security to be called in as there may be occasion for repairing enlarging or rebuilding my said house or any part of the premisses, and also for keeping my Tomb which is under Trinity Church aforesaid in good and decent repair. —

ITEM, My Will is, and I hereby order and direct that the Sermons herein beforementioned be eight annually and preached by the Rector of said Kings Chappel for the time being and his assistant, together with the ministers of Christ Church and the minister of Trinity Church in Boston aforesaid for the time being in Lent in said Kings Chappel beginning on the first ash wednesday after the aforesaid three years are expired that my nieces hold said house and ending on good friday, & I desire and direct that the first sermon be preached by the Rector of said Kings Chappel his assistant reading prayers, the second sermon by said assistant the minister of Christs Church reading prayers, the third sermon by said minister of Christs Church, the minister of Trinity Church reading prayers, the fourth sermon by said minister of Trinity Church, the Rector of Kings Chappel reading prayers, the fifth sermon by said Rector of Kings Chappel, his assistant reading prayers, the sixth sermon by said assistant the minister of Christs church reading prayers the seventh sermon by the said minister of Christs Church, the minister of Trinity Church reading

prayers, the eighth sermon by the minister of Trinity Church the Rector of Kings Chappel reading prayers, which last sermon will end on good friday, the first sermon of the second year I would have the assistant of Kings Chappel, to preach on the same subject the Rector did the preceeding year and the other ministers in such a manner as that they may each of them preach on the eight different subjects within four years, this I would have remain unalterable and perpetual and I hereby direct that the said eight annual sermons be preached on the following subjects Viz<sup>t</sup>

1<sup>st</sup> Sermon on Ash Wednesday (the service to begin about three o'Clock in the afternoon) upon the duty, usefulness, and propriety of fasting & abstinence or upon Repentance, or Faith, or Hope, or Charity, or Christian Morality.

The 2<sup>nd</sup> Sermon on the second Wednesday in lent at eleven o'Clock before noon the sermon to be against Atheism or Infidelity, or in defence of the Divinity or miracles of our blessed Savior

The 3<sup>rd</sup> Sermon on the third Wednesday in lent at eleven o'Clock in the forenoon the subject, the Catholick Church or the Excellency of the Christian Religion. —

The 4<sup>th</sup> Sermon on the fourth Wednesday in lent at eleven o'Clock in the forenoon the sermon to be a Vindication of the Church of England as to Government Doctrine or Discipline, or a discourse against Heresy or Schism, Enthusiasm or Hypocrisy or the Duty of Obedience to Kings and lawful authority from all persons professing Christianity.. —

The 5<sup>th</sup> Sermon on the fifth Wednesday in Lent at Eleven o'Clock in the forenoon against Error and superstition, particularly those of the Church of Rome. —

The 6<sup>th</sup> Sermon on the sixth Wednesday in Lent at eleven o'Clock in the forenoon, on Detraction or Restitution, or on Contentment & Resignation or on preparation for death. —

The 7<sup>th</sup> Sermon on the seventh Wednesday in Lent at eleven oclock in the forenoon on Baptism or Confession or absolution or on the Duty of publick Worship.. —

The 8<sup>th</sup> Sermon on Good friday at three O'Clock in the afternoon on the passion and Death of Christ, or of the Nature Necessity & advantages of the Holy Communion. —

And towards the support and encouragement of the aforesaid Ministers to undertake the Duty of preaching as aforementioned, It is my will and I hereby Order and direct the Wardens for the time being of said Kings Chappel Church to pay to the preacher appointed for any particular day if he performs said Duty of preaching as aforesaid as soon

as sermon is ended, the sum of forty shillings sterling, and after the same rate and in like manner for each of the said eight sermons, amounting to sixteen pounds annually as is before mentioned. But if any of the ministers herein before appointed to preach as aforesaid shall refuse to take his or their turn, or be disabled thro' sickness then the Rector of said Kings Chappel shall discharge the duty of any such minister so refusing or prevented by sickness or with the advice of the wardens for the time being of said Chappel appoint some other minister of the Church of England to perform it, and in all cases whoever shall discharge said duty of preaching as aforesaid shall be entitled to the Reward and the Rector and Wardens for the time being of said Chappel shall upon every Tuesday in Easter Week give notice in writing to such minister who shall be appointed to preach the said Lent sermons in that year upon what day, in what Church and upon what subject each minister is to discourse. —

It is my desire that on every of the eight days upon which a Sermon shall be so preached as aforesaid, there shall be a Contribution after sermon for the poor of each of the three churches herein before-mentioned, collected at the Church doors or otherwise, And I hereby order and direct the Church Wardens for the time being of Kings Chappel aforesaid at every such contribution to pay five shillings sterling out of the rents or incomes of my said house towards the said Contribution, in all forty shillings sterling annually, and on every good friday after sermon in the afternoon the Rector or Minister with the Wardens of said Kings Chappel for the time being shall divided the said forty shillings, and what else shall be collected for the poor aforesaid upon the several days before mentioned, one third part to themselves for the use of the poor of said Chappel, one third part to the minister and wardens for the time being of Christs Church for the use of the poor of the same Church, and the remaining third to the minister and Wardens for the time being of Trinity Church for the use of the poor of said Church, and I direct that said wardens of each church then attend to receive the same.. —

I further hereby appoint and direct that these several clauses of my will be entered upon the Church books of Kings Chappel aforesaid and of Christs Church and of Trinity Church, and after my decease be read at every annual meeting of the minister Wardens and proprietors of said Kings Chappel on Easter monday before they proceed to the choice of new wardens and that the said minister and wardens for the time being shall then produce to the Vestry and proprietors who shall be there present, a fair account of the distribution of the said sixteen pounds, and the said forty shillings agreeable to my will as aforesaid, having no other View in all this, but The Glory of Almighty God.

I Recommend to the Rector of said Kings Chappel and Wardens for the time being that they make the best improvement of my said house & appur<sup>s</sup> they can when it shall come into their hands, by letting the same by written lease always being careful that the Lessee is bound by Covenant to pay the rent half yearly, to pay all taxes of said house and to keep and leave the said house & Appur<sup>s</sup> in good repair, And if at any time there shall be a greater sum arising from the rents & profits of my said house and Appur<sup>s</sup> than shall be sufficient to discharge the said Twenty pounds annually herein before given, and to keep said House and Appur<sup>s</sup> in repair, and if need be to rebuild the same, and also to keep my Tomb in repair as aforesaid, then and in that case, I order such surplusage to be put out at Interest by the minister and wardens for the time being of said Kings Chappel. —

I Will and hereby direct that all the buisness which relates to my Estate herein given in Trust to the use of said Kings Chappel shall be done by a Vote of the Vestry of said Church, & no vote shall be of any force, unless there be present the Minister if in health & in Town, the Wardens and at least one half of the Gentleman of the Vestry, such meetings to be called by the Wardens for the time being of said Chappel, giving due notice thereof in writing or by printed Summons. I hope and request that all proprietors of pews in said Chappel, will give their attendance on all Easter Mondays to choose Wardens, and such Vestry men as will give their attendance at all Vestry meetings when summoned thereto, and such as will not think it an hard task to give their best advice & a small part of their time to serve said Church and Congregation.. —

In case the Minister, Wardens, Vestry men, & proprietors of pews for the time being of said Kings Chappel will not accept of this my Donation which I intend for the benefit of said Church then I hereby Give and bequeath All herein before given to and for the benefit of said Kings Chappel to the minister and Church Wardens of Trinity Church aforesaid, in trust in the same manner and under the same proviso's limitations and conditions that it is herein before given to the minister and Church Wardens of said Kings Chappel. But if the Minister and Church wardens of said Kings Chappel will accept of this my donation they shall under their hands Certify to the Minister and Wardens of Trinity Church aforesaid for the time being such their acceptance in the manner following Viz<sup>t</sup>: "We do accept the Donations of William Price agreeable to his last Will and Testament, and will as far as possible strictly fulfill the said Will in every part thereof." And I hereby solemnly and earnestly request the Ministers and Wardens of said Kings Chappel at all times hereafter strictly to comply with and

fulfill this my last Will and Testament in all parts thereof which relate to said Kings Chappel and by no means either neglect so doing or presume to Evade it. And I hereby appoint all the Gentlemen of the Vestry of said Church, for the time being, my Trustees forever, to inspect and if need be to call the Minister and Wardens for the time being of said Kings Chappel to account for all or any of the income of my said Estate, and to see the same is punctually employed for the uses and purposes herein before mentioned and in no other manner. And I desire and order that there shall be a Vestry meeting on every first Wednesday in July and on every first Wednesday in January forever in said Kings Chappel at eleven o'Clock after prayers, and oftner if needful for that purpose. —

AND LASTLY, I the said William Price do hereby revoke & make Void all former Wills and Testaments heretofore made by me, And I hereby appoint and Constitute my said Wife Sarah Price Executrix of this my last Will and Testament during her life, and at and upon her decease, I do appoint and Constitute my said nieces Sarah Creese and Margaret Creese Executrices of this my Will, And all the Rest, & Residue of my Estate, Real and personal not herein particularly devised I give to my said dear and loving wife Sarah Price. IN WITNESS whereof I the said William Price have to this my last Will and Testament set my hand and seal the thirtieth day of November in the year of our Lord Christ One Thousand Seven hundred and seventy.

Signed sealed, published & declared  
by the said William Price to be his      WILLIAM PRICE [Seal.]  
last Will & Testament, in presence of  
us.

EZEK<sup>l</sup> GOLDTHWAIT.  
W. SHERBURN.  
HENRY KNOX.

I William Price aforementioned being of sound disposing mind and memory, for good considerations and reasons me thereunto moving do think proper to make the following alterations in my aforewritten Will, that is to say I do hereby disannul and make void the bequest of fifty pounds sterling made to my niece Ann Pelham and also the bequest of forty pounds sterling to my niece Ann Creese, and also at & upon the decease of my wife Sarah Price I give and bequeath unto my nieces Sarah and Margaret Creese in my said Will named, my brick dwelling house land and premisses wherein I now live, To hold the same for their own use and benefit in equal parts for and during the term of

their natural lives and the life of the survivor of them, they paying the taxes and keeping the same in good repair as is in my said Will mentioned, and my mind and will is that they shall not pay any thing more during their lives or the life of the survivor of them, any thing in my said Will to the contrary notwithstanding, and at and upon the decease of my said neices Sarah and Margaret Creese I then give and bequeath the said brick dwelling house land and premisses to and for the several uses intents and purposes in my said Will particularly mentioned and further whatsoever of my personal estate that I have given to my said wife that shall remain at her decease, I give and bequeath unto my said neices Sarah and Margaret Creese equally, and all other parts of my said Will I do hereby ratify and Confirm. And this writing I declare to be as a codicil to, and part of my said Will any thing therein to the contrary. IN WITNESS whereof I hereunto set my hand and seal this twentieth day of April Anno Domini One thousand seven hundred and seventy one, in the eleventh year of his Majestys Reign.

Signed sealed published & declared  
by the said William Price as and for a WILLIAM PRICE [Seal.]  
codicil to his last Will & Testament, in  
presence of us.

EZEK<sup>t</sup> GOLDTHWAIT.

W SHERBURN.

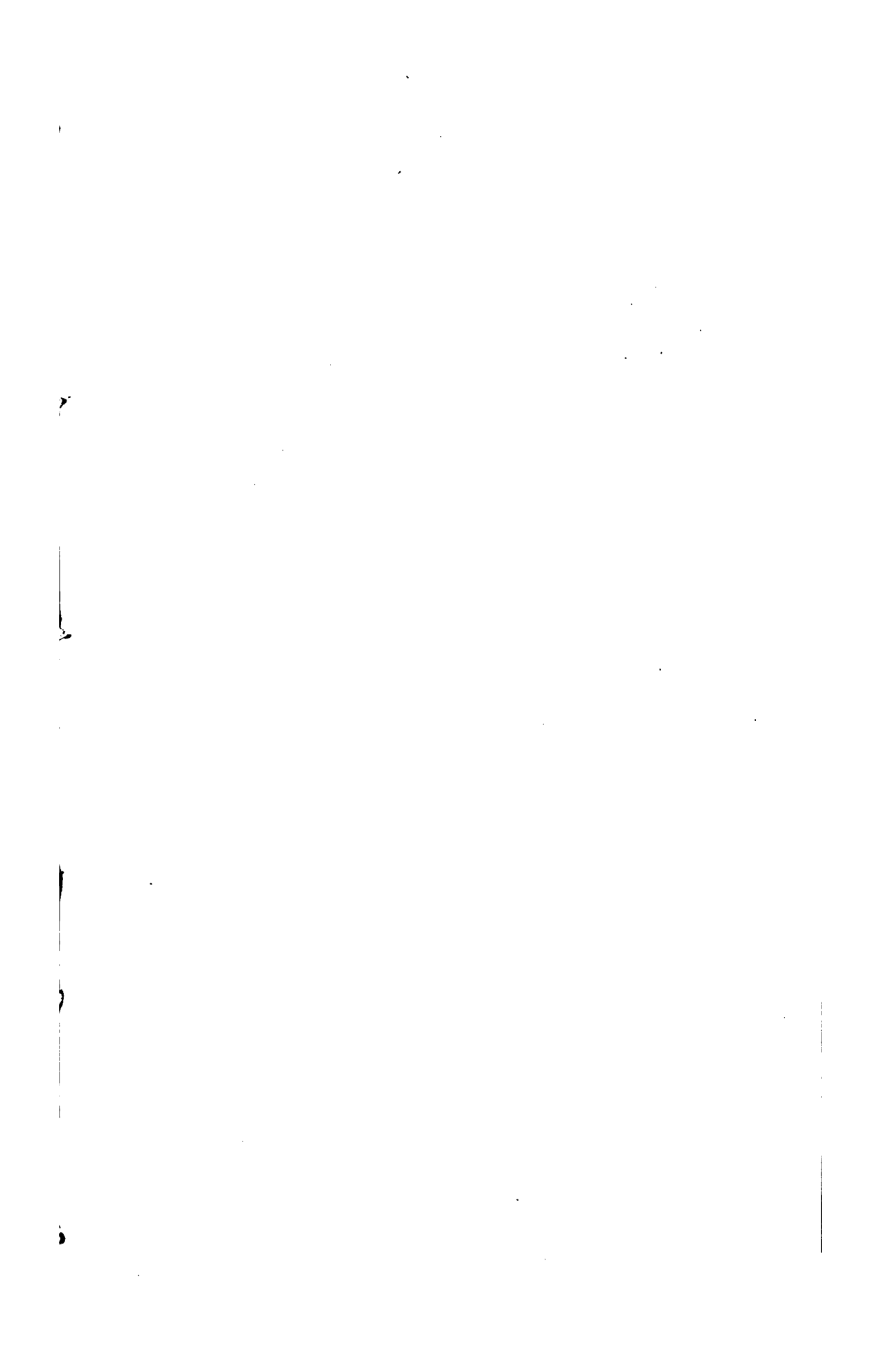
HENRY KNOX.

COMMONWEALTH OF MASSACHUSETTS. Suffolk, ss. Probate Office,  
March 31, 1862. I hereby certify that the above is a true and exact  
copy, in paragraphs, words, figures, letters, and punctuation, of the  
will and codicil of William Price, of Boston, merchant, proved,  
approved, and allowed, on the twenty-fourth day of May in the year  
of our Lord one thousand seven hundred and seventy-one, before the  
Honorable Foster Hutchinson, Esquire, Judge of the Probate of Wills,  
and for granting Letters of Administration on the estates of persons  
deceased, having goods, chattels, rights, or credits, in the County of  
Suffolk and Province of the Massachusetts Bay; and now remaining on  
file and of record in this office.

WM. C. BROWN,

*Register of Probate Court.*

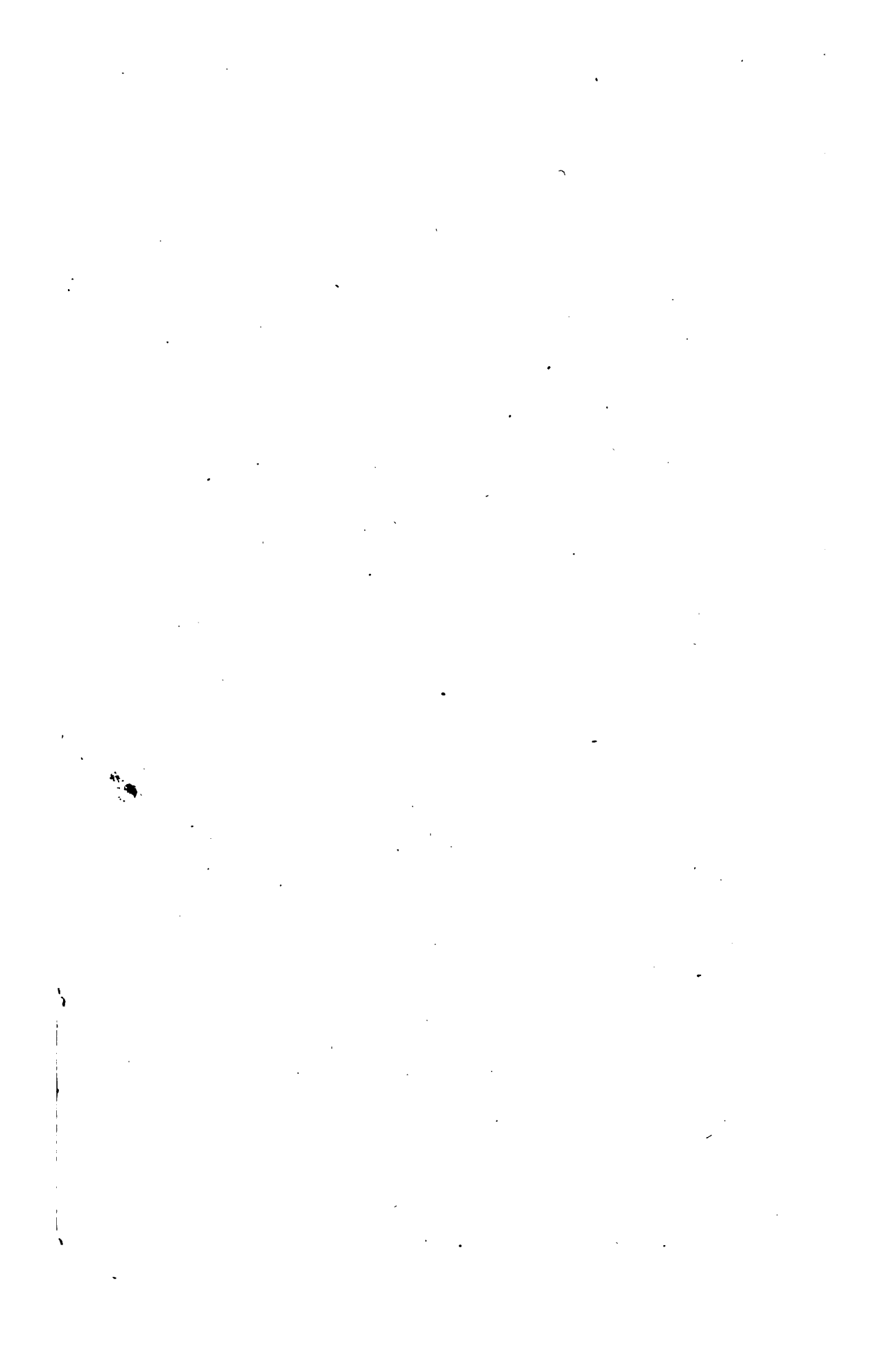














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"Price Lecture" see Burroughs, H.

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Conc. in the subject of the vic  
of the late W.P. Price 1864

De: BIR p. 4

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Ernest C. Finch, Jr. 1853

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